

# EXHIBIT 1

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**ANDREW CARROLL,**

Plaintiff,

-against-

CIVIL ACTION NO.  
CV 15 – 01550 – (ADS)  
(ARL)

**THOMAS C. KRUMPTER, Acting Police  
Commissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of  
Department, Nassau County Police  
Department,**

**DANIEL P. FLANAGAN, Commanding  
Officer, First Precinct, Nassau County Police  
Department,**

**DECLARATION OF  
ANDREW CARROLL**

**Officer BUDINILIC, Badge No. 3051, First  
Precinct, Nassau County Police Department**

**JOHN DOE, Sargent First Precinct, Nassau  
Police Department,**

**NASSAU COUNTY POLICE  
DEPARTMENT,**

**and**

**COUNTY OF NASSAU**

Defendants

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Jury Trial Demanded

Andrew Carroll, in accordance with 28 U.S.C. § 1746, does declare under penalty of perjury following is true and correct:

Affirmation of Andrew Carroll

1. I am a resident of the town of Bellmore, Nassau County, New York. I live in my grandmother's house in the attic apartment. My mother also lives in the house in a separate basement apartment. My mother claimed I owed her \$50.
2. On September 30, 2014 I returned home from work and discovered one of my firearms missing, an AR 15 rifle. My mother stated she had taken my rifle as collateral for the loan. I asked her where it was. She said she had sold it or given it away to another person. I became concerned and called the police at about 6:30pm that evening and reported the missing firearm.
3. At 8:30pm officer Budinilic of the Nassau County Police Department arrived. He then confiscated my remaining .22 rifle and my shotgun, which were not missing, which were in my apartment.
4. After other officers arrived (back up) they retrieved my AR 15 rifle from my mother in the basement.
5. I was initially told that the firearms would be returned to me before the end of the night if no charges were filed. Later that night at about 10 pm a sergeant arrived, and informed me that the precinct had made the decision to "keep the guns".
6. I was given a receipt for the guns and a police report and told I would get paper work to begin the process of getting my guns back. The receipt, attached as Exhibit A states:

The return of rifles and shotguns will be based on the results of an administrative review. To facilitate this review, this Department will be forwarding to the above address a Long Gun Review Record form. Please complete and return the form, as instructed, to expedite this process. Legal disposition of all licensed firearms, rifles, shotguns and other weapons must be made within one year from the date of this receipt, or same will be destroyed in accordance with law. (Section 400.05 P.L.)

7. After three weeks, no paper work had arrived. I enlisted the help of my uncle who is a retired police officer. He reported to me that after several hours and after going to several precinct, that I could probably get my shotgun and .22 rifle back but he didn't know when and they, the police had no record of the AR 15.

8. On or about November 8, 2014, I went to the first precinct to get my shotgun and rifle back. I explained that I had purchased a gun safe to better secure my firearms. I was given the run around and eventually the name of Capt. Gisoni and to contact him.

I asked if I could talk to him then. I was told his was not available. I left my phone number with them and ask for him to call me. I heard nothing.

9. No charges were filed on anyone regarding this incident and no Orders of Protection were issued.

10. I received no "Long Gun Review Record" form from the police as stated in the receipt.

11. After almost six months and no word from the police, fearing my firearms would be destroyed, according to what was on the receipt, I filed this suit in March 2015.

12. Only after I instituted this litigation did I hear from the police. On May 29, 2015 I received via e-mail the attached "Long Gun Review Record" form. (Exhibit B). I completed the form and mailed on June 2, 2015 with proper postage to:

Nassau County Police Department  
900 Merrick Rd.  
Baldwin, NY 11510  
Attn: Precinct Domestic Incident Liaison Officer

I have received no other forms or request for information from the police department. I was never advised that I needed to request Officer Gisondi to schedule a "prompt post deprivation hearing" in order to have my firearms returned.

13. After I learned from my attorney that the Defendants are claiming I failed to sent a letter to Gisondi explaining the situation, I sent the attached letter (Exhibit C). I have never intentionally failed or refused to co-operate with the police.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Bellmore, New York  
September 9, 2015

  
\_\_\_\_\_  
Andrew Carroll

# EXHIBIT 1-A



9/30/2014

Nassau County



Police Department

## Received From:

Date 9-30-14Name: Carroll, Joseph AAddress: 7 Belt STTown: N. Bellmore NY 11710Telephone: 516-826-6172

## Property Owner, if different from above:

Name: SAA

Address: \_\_\_\_\_

Town: \_\_\_\_\_

Telephone: \_\_\_\_\_

## The Following Property:

1. Mossberg 12Ga Shotgun - U290742 P14005294
2. Henry Repeating Arms .22 - C016555H
3. Dan K. Storm Industries DS15 - A0062 2014CR 335847
4. PMAG 5.56 magazine

5. \_\_\_\_\_

At: 7 Belt STN. Bellmore <sup>(Location)</sup> NY 11710  
(Location)

The return of rifles and shotguns will be based on the results of an administrative review. To facilitate this review, this Department will be forwarding to the above address a Long Gun Review Record form.

Please complete and return the form, as instructed, to expedite this process.

Legal disposition of all licensed firearms, rifles, shotguns and other weapons must be made within one year from the date of this receipt, or same will be destroyed in accordance with law. (Section 400.05 P.L.)

PO N. Badinovic 3057 1  
Rank Name Shield # Command

PDCN 41 - REV. 7/13  
Prepare in Duplicate

## EXHIBIT 1-B



Nassau County



Police Department

## LONG GUN REVIEW RECORD

**WARNING:** You may not possess a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from possessing a firearm. Certain violations of the Gun Control Act, 18 U.S.C. Section 921 *et. seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Under Penal Law 210.45, a person is guilty of making a punishable false written statement when that person knowingly makes a false statement, which he or she does not believe to be true, in a written instrument bearing a legally authorized form notice to the effect that false statements made therein are punishable.

LAST NAME <i>Carroll</i>		FIRST NAME <i>Andrew</i>		MIDDLE NAME <i>Joseph</i>	
NUMBER AND STREET ADDRESS <i>7 Belt St.</i>			TOWN <i>Bellmore</i>	STATE <i>N.Y.</i>	ZIP CODE <i>11710</i>
PLACE OF BIRTH: U.S. CITY AND STATE OR FOREIGN COUNTRY <i>East Meadow N.Y.</i>		SOCIAL SECURITY NUMBER <i>124-78-2677</i>	GENDER <input checked="" type="checkbox"/> M. <input type="checkbox"/> F.	BIRTH DATE MONTH <i>07</i> DAY <i>08</i> YEAR <i>1991</i>	

Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of each question.

1a. Have you ever been convicted of a crime?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1b. If so, what crime?	
2. Are you a subject of an Order of Protection or restraining order?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Have you ever been convicted in any court of a misdemeanor crime of domestic violence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5a. Are you a US citizen?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5b. If not, what is your country of citizenship?	

## CERTIFICATION

I certify that the above information is correct to the best of my knowledge.

*Andrew Carroll*  
Signature

*5/29/15*  
Date

## EXHIBIT 1-C

**Andrew Carroll  
7 Belt Street  
North Bellmore, New York 11710  
Ph: 516-469-0425**

9-9-15

Nassau County Police Department  
First Precinct  
900 Merrick Road  
Baldwin, New York 11510

Attn: Captain Gisondi

Re: Carroll v. Krumpter 15 cv 1550, United States  
District Court, Eastern District of New York

Dear Captain Gisondi,

On or about September 30, 2014, I arrived home after work and discovered one of my firearms missing. I live in a separate locked apartment, on the top floor of a house located in Bellmore, Nassau County, New York. My mother also lived in the same house in a basement apartment.

I had a dispute with my mother regarding money she claimed I owed her. When I asked her about the missing gun she responded that she had entered my apartment, taken the firearm and sold or otherwise disposed it. I became concerned about who may have gained access to the firearm and believed it should be reported to the police, so I called the police.

Officer BUDINILIC arrived, waited for backup officers and then questioned my mother in her basement apartment. She stated she had not sold the firearm and had it in her apartment and on demand of the officers delivered the firearm to them. The officers, then, without a warrant, searched my apartment and discovered two other firearms and seized them both.

There was no violence, threats of violence or brandishing of weapons. No charges or arrest were made and no Orders of Protection issued. The firearms were secured by action locks and in my locked apartment. I have since obtained a steel gun safe in which to store my firearms. A photograph of that safe in my room is attached hereto.

My guns should be returned to me because they are my property, they were legally purchased and possessed and I have never threatened or harmed anyone with a

gun or otherwise. I am not disqualified from possessing firearms under Federal or State law.

Also attached hereto is a copy of the Long Gun Review Form which I understand the County Attorney claims was never sent. I sent it in on June 2, 2015. I never received any mail directly from you regarding this matter. If there is anything else you need please let me know.

Sincerely, 

Andrew Carroll